

REMARKS

Claims 1-20 are pending in the subject application: claims 1-14 and 18-20 stand rejected, and claims 15-17 are indicated as containing allowable subject matter. By the above amendments, claims 21-29 and 32 are canceled. Favorable reconsideration of the application and allowance of all of the pending claims are respectfully requested in view of the above amendments and the following remarks.

Applicant thanks the Examiner for indicating the allowability of dependent claims 15-17.

Applicant affirms the election without traverse of the invention defined by the Examiner as "Group I" to which claims 1-20 are drawn. By the above amendments, claims 1-29 and 32 are also canceled. Claims 30, 31 and 33-104 were previously canceled.

The drawings are objected to on the basis that Figs. 5A and 5B should be labeled "Prior Art." Attached hereto is a replacement drawing sheet in which Figs. 5A and 5B are labeled "Prior Art"; accordingly, the Examiner is requested to withdraw this objection.

The specification is objected to as failing to refer to the international application from which this national phase application is derived and as having a non-descriptive title. Applicant has amended the specification to include reference to the PCT international application. Further, Applicant has amended the specification to include the title suggested by the Examiner. Accordingly, the Examiner is respectfully requested to withdraw this objection.

Claims 1-14, 19 and 20 stand rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-16 of prior U.S. Patent Application Publication No. 2003/0166370A1 (U.S. Patent Application Serial No. 09/404,245). Further, claim 18 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 26 and 29 of the same patent publication. Applicant respectfully traverses these rejections.

The cited patent publication is the parent application of the subject application, having the same inventorship and ownership. As a preliminary matter, whether statutory or

Amendment

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obviousness-type, these rejections should be provisional rejections, since the cited published application is an application and not a patent (see MPEP 804, Charts III-A and III-B).

Moreover, while claims 1-16, 26 and 29 appear in the published version of U.S. Patent Application Serial No. 09/404,245, all of claims 1-16, 26 and 29 have been canceled from that application, thereby rendering moot these (provisional) rejections. For the Examiner's convenience, a copy of the claims of Application Serial No. 09/404,245 as presently pending is contained in Appendix A. Accordingly, the Examiner is respectfully requested to reconsider and withdraw these rejections.

Note further that all of the pending claims in Application Serial No. 09/404,245 are directed to a fiber bundle, a fabric, or a fiber. In the subject application, Applicant was forced with withdraw and cancel all of the claims drawn to a fiber bundle (21-29, 32), a fabric (67-69, 100), and a fiber (89-99) via two restriction requirements. It should therefore be safe to assume that the Examiner will not find an obviousness-type double patenting issue between claims 1-20 of the subject application and the presently pending claims of Application Serial No. 09/404,245.

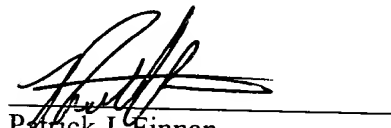
In view of the foregoing, Applicant respectfully requests the Examiner to find the application to be in condition for allowance with claims 1-20. However, if for any reason the Examiner feels that the application is not now in condition for allowance, he is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

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Filed concurrently herewith is a Petition (with payment) for an Extension of Time of One Month. Applicant hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Finnan', is written over a horizontal line.

Patrick J. Finnan

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